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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,241	04/04/2001	Roli Garg Wendorf	NL000763	2668

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
HOANG, PHUONG N	
ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,241	WENDORF ET AL.	
	Examiner	Art Unit	
	Phuong N. Hoang	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 12 are pending for examination.

2. This office action is in response to amendment filed on 5/5/06.

3. The references, not cited in this office action, can be found in previous office actions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725, in view of Zintel, US patent no. 6,725,281.

6. Gibbs reference was cited in the last office action.

7. **As to claim 1**, Gibbs teaches a communication system including an in-home network, and a remote device;

a. the in-home network (Home Audio/Video system (HAVI), col. 4) including a plurality of in-home devices (devices, figures 1 – 3 and col. 9 lines 5 – 12)

operative to communicate using predetermined in-home protocols including an in-home application protocol (IEEE 1394, col. 6 lines 1 - 25); at least one of the in-home devices, being referred to as intermediate device (intermediate AV nodes, col. 6 lines 47 – 60);

b. the intermediate device including:

- an API operative to provide interface functionality for the functions of the in-home application protocol by controlling the intermediate device an/or communicating with other in-home device(s) according to application messages of the in-home application protocol (message system, col. 7 lines 55 – 65, col. 9 lines 55 – 60, and col. 11 lines 28 - 65); and
- the module (CMM, col. 7 lines 55 – 65, and col. 11 lines 29 – 67).

Gibbs does not explicitly teach the remote device being operative to load a portable application program for controlling at least one of the in-home devices by calling an Application Program Interface (API) of the in-home application protocol; and load an API emulator and operative to provide a callable interface for functions of the in-home application protocol, and to supply this API functionality by communicating with a module in the intermediate device using the remote protocols; the remote application protocol differs from the in-home application protocols; and the communication establishes a substantially transparent path between the portable application program in the remote device and the API in the intermediate device.

Zintel teaches the remote device (remotely control device), portable application program for controlling at least one of the in-home devices by calling an Application Program Interface (API) of the in-home application protocol; and load an API emulator and operative to provide a callable interface (UpnP enable application ..... API) for functions of the in-home application protocol, and to supply this API functionality by communicating with a module in the intermediate device using the remote protocols; the remote application protocol (UpnP) differs from the in-home application protocols; and the communication establishes a substantially transparent path between the portable application program in the remote device and the API in the intermediate device (figures 10 – 12, 23, 26, 30 and associated text, col. 1 lines 20 – 50, col. 4 lines 10 – col. 5 lines 30, col. 6, col. 13 lines 1 – 55, and col. 15 lines 8 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Zintel to Gibbs's system because the remote device is well-known for the in-house network as a remote control devices to be able to control other in-house network remotely, and since a module's role is a controller of other in-house devices, it is used to communicate with the remote device.

8. **As to claim 2,** Gibbs modified by Zintel teaches the steps of wherein the in-home protocols include a messaging protocol (IEEE 1394, col. 6 lines 1 - 25),

hierarchically below the in-home application protocol (message system, col. 6 lines 1 – 25), and the API emulator (Interoperability interfaces, fig. 5 and col. 4 lines 10 – 44) being operative to supply the API functionality by executing the in-home application protocol in the remote device and supplying the in-home application protocol an interface to the messaging protocol by communicating with the module in the intermediate device using the remote protocols.

9. **As to claim 3,** Gibbs teaches the step of wherein the in-home application protocols are HAVi based (HAVi, col. 4).

10. **As to claim 4,** Zintel teaches the step of wherein the portable application program is Java based (Java applet, col. 10 lines 50 – 53).

11. **As to claim 5**, Zintel teaches the step of wherein the remote protocols are based on Internet protocols (internet protocols, col. 4 lines 5 - 60).

12. **As to claim 6,** Zintel teaches the step of wherein the API emulator and the module communicate using a remote procedure calling protocol (col. 4).

13. **As to claim 7**, Zintel teaches the step of wherein information to be communicated between the API emulator and the module are described using a mark-up language (XML, fig. 20).

14. **As to claims 8 and 9**, Zintel teaches the step of wherein the remote device is operative to load the portable application program and/or API emulator from an in-home device, other than the intermediate device, via the intermediate device (col. 1 lines 20 – 50, col. 4 lines 10 – 67, col. 6, col. 13 lines 1 – 55, and col. 15 lines 8 – 35).

15. **As to claims 10 and 11,** see the rejection for claim 1 above.

16. **As to claim 12,** this is the method claim of claim 1. See rejection for claim 1 above.

Response to Arguments

17. Applicant's arguments filed 5/5/06 have been fully considered but they are not persuasive.

18. Applicant argued in substance that

(1) Gibb's 1394 CMM does not provide ... using remote protocols. The combination of Gibbs and Zintel do not teach the system of claim 1. The office action does not cite any reference numeral of any element in any figures of Zintel. There is no support of motivation.

(2) The remote device is operable to load the portable application program and/or API emulator from an intermediate device or from an in-home device, other than an intermediate device as to claims 8 and 9.

(3) Applicant repeated the argument for claim 12.

19. Examiner respectfully disagrees with applicant's remark

As to point 1, examiner did not cite 1394 CMM as remote protocol. See rejection above. Applicant did not point out how the references do not teach the claimed limitations; instead, applicant just pointed out the applicant's specification. Applicants are supposed to read and understand the cited references as a whole. Even applicant acknowledged all 50(!) figures, applicant failed to characterize the meanings of them. Cited paragraphs clearly teach all claimed limitations. The remote devices including computing devices such as digital camera, audio playback devices, mobile phones, and handheld computers managing entertainment device including VCR, DVD. UpnP enables applications which are portable application programs calling API. Examiner also cited additional figures for details (figures 10 – 12, 23, 26, 30 and associated text, col. 1 lines 20 – 50, col. 4 lines 10 – col. 5 lines 30, col. 6, col. 13 lines 1 – 55, and col. 15 lines 8 – 35). The motivation is very and clear that the remote device is well-known for the in-house network as a remote control devices to be able to control of home automation and security, Internet based electronic commerce, using web browser (col. 4 lines 65 – col. 5 line 10) in a given network remotely, and since a module's role is a controller of other in-house devices, it is used to communicate with the remote device.

As to point 2, Zintel teaches the step of wherein the remote device is operative to load the portable application program and/or API emulator from an in-home device, other than the intermediate device, via the intermediate device (col. 1 lines 20 – 50, col. 4 lines 10 – 67, col. 6, col. 13 lines 1 – 55, and col. 15 lines 8 – 35).

As to point 3, see arguments for point 1 above.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
January 30, 2006

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER